Application Number	Application/Co		Applicant(s)/Patent ( Reexamination ENGWER ET AL.	ınder			
Document Code - DISQ Internal Document				NOT MAIL			
TERMINAL DISCLAIMER			☐ DISAPP	☐ DISAPPROVED			
Date Filed : September 6, 2007	This patent is subject to a Terminal Disclaimer			·			
Approved/Disapproved by:							
Henry D. Jefferson							

U.S. Patent and Trademark Office

## T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			11-Sep-07	APPL. S. N:	09751332				
To Exami	ner:		ELALLAM, AHMED	Art Unit	2616				
From			Jefferson, Henry PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68				
SUBJECT	<b>r:</b> Decisio	n on Termina	l Disclaimer(T.D.) filed:						
form para or have a	agraphs io any quest	dentified by tl ions, please s	his informal memo in your nex see me or the Special Program	results as set forth below. If you a t Office action to notify applicant of Examiner. THIS IS AN INFORMAL, PF RECORD IN THE APPLICATION F	f the T.D. If you disagree				
please in	itial, date	and return th	nis memo to me. THANK YOU.						
<u> </u>	The T.D.	is PROPER ar	nd has been recorded (see 14.2	23).					
	The T.D.	is NOT PROP	ER and has not been accepted	for the reason(s) checked below (s	see 14.24):				
		The TD fee ofhas not been submitted nor is there any authorization in the application file for the use of a deposit account							
		The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).							
		The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).							
		The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).							
	The person who signed the T.D.:								
		is n	oot an attorney "of record" (see	e 14.29 and 14.29.01).					
		☐ has	failed to state his/her capacity	y to sign for the business entity (se	ee 14.28).				
		is n	ot recognized as an officer of t	the assignee (see 14.29 & possible	14.29.02).				
		No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).							
	<u></u>	The T.D. is n	ot signed (see 14.26 & 14.26.	03).					
		The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).							
		The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).							
	. 🗔	The period d	isclaimed is incorrect or not sp	ecified (see 14.26, 14.27.02 or 14	.26.03).				
		Other:			ia Iv				
			o request refund (see 14.36). heck this item.	NOTE: If already authorized, credit	refund to deposit account				
I have ap	propriate	ly notified ap	plicant(s) of the status of the	Terminal Disclaimer filed in this cas	e.				
Ex.Initial	s:	Dat	te:		Log Date:				

## TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional)

3239P069

In re the Application of:

Darwin A. Engwer, et al.

Application No.: 09/751,332

Filed:

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December 28, 2000

For:

SYSTEM AND METHOD FOR DYNAMIC CONTROL OF DATA PACKET FRAGMENTATION

THESHOLD IN A WIRELESS NETWORK

The owner\*, Nortel Networks Limited of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term prior patent No. 7,154,854 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321; has all claims cancelled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney or agent of record.

/William W. Schaal/

9/6/2007

Signature

Date

William W. Schaal, Reg. No. 39,018

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Terminal disclaimer fee under 37 CFR 1.20(d) included.

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Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.